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[3510-16]

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO-C-2012-0023]

Public Advisory Committees

AGENCY: United States Patent and Trademark Office

ACTION: Notice and request for nominations.

SUMMARY: On November 29, 1999, the President signed into law the Patent and Trademark Office Efficiency Act (the “Act”), Pub. L. 106-113, which, among other things, established two Public Advisory Committees to review the policies, goals, performance, budget and user fees of the United States Patent and Trademark Office (USPTO) with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee, and to advise the Director on these matters (now codified at 35 U.S.C. § 5). The USPTO is requesting nominations for three (3) members to the Patent Public Advisory Committee, and two (2) members to the Trademark Public Advisory Committee, for terms of three years that begin on expiration of the predecessors’ terms.

DATES: Nominations must be postmarked or electronically transmitted on or before

June 11, 2012.

ADDRESSES: Persons wishing to submit nominations should send the nominee's resumé to John W. Cabeca, Senior Advisor, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia, 22313-1450; by electronic mail to: PPACnominations@uspto.gov for the Patent Public Advisory Committee or TPACnominations@uspto.gov for the Trademark Patent Public Advisory Committee; by facsimile transmission marked to the Senior Advisor's attention at (571) 273-0464; or by mail marked to the Senior Advisor's attention and addressed to the Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia, 22313-1450.

FOR FURTHER INFORMATION CONTACT: John W. Cabeca, Senior Advisor, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, by facsimile transmission marked to his attention at (571) 273-0464, or by mail marked to his attention and addressed to the Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia, 22313-1450.

SUPPLEMENTARY INFORMATION: The Advisory Committees' duties include:

- Review and advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on matters relating to policies, goals, performance, budget, and user fees of the USPTO relating to patents and trademarks, respectively; and
- Within 60 days after the end of each fiscal year: (1) prepare an annual report on matters listed above; (2) transmit a report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and (3) publish the report in the Official Gazette of the USPTO.

Advisory Committees

The Public Advisory Committees are each composed of nine (9) voting members who are appointed by the Secretary of Commerce (the “Secretary”) and serve at the pleasure of the Secretary for three (3)-year terms. The Public Advisory Committee members must be United States citizens and represent the interests of diverse users of the USPTO, both large and small entity applicants in proportion to the number of such applications filed. The Committees must include members who have “substantial backgrounds and achievement in finance, management, labor relations, science, technology, and office automation” (35 U.S.C. 5(b)(3)). In the case of the Patent Public Advisory Committee, at least twenty-five (25) percent of the members must represent “small business concerns, independent inventors, and nonprofit organizations,” and at least one member must represent the independent inventor community (35 U.S.C. 5(b)(2)). Each of the Public Advisory Committees also includes three (3) non-voting members representing each labor organization recognized by the USPTO. Administration policy discourages the appointment of federally registered lobbyists to agency advisory boards and commissions (Lobbyists on Agency Boards and Commissions, <http://www.whitehouse.gov/blog/2009/09/23/lobbyist-agency-boards-and-commissions> (Sept. 23, 2009, 2:33PM EST)); cf. Exec. Order No. 13490, 74 Fed. Reg. 4673 (January 21, 2009) (while Executive Order 13490 does not specifically apply to federally registered lobbyists appointed by agency or department heads, it sets forth the Administration’s general policy of decreasing the influence of special interests in the Federal Government).

Procedures and Guidelines of the Patent and Trademark Public Advisory Committees

Each newly appointed member of the Patent and Trademark Public Advisory Committees will serve for a term of three years beginning at the expiration of his or her predecessor’s term. As required by the Act, members of the Patent and Trademark Public Advisory Committees will

receive compensation for each day while the member is attending meetings or engaged in the business of that Advisory Committee. The enabling statute states that members are to be compensated at the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of Title 5, United States Code. Committee members are compensated on an hourly basis, calculated at the daily rate. While away from home or regular place of business, each member will be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code. The USPTO will provide clerical and other support services for the Committees as the Director may determine to be necessary and proper.

Applicability of Certain Ethics Laws

Members of each Public Advisory Committee shall be Special Government Employees within the meaning of Section 202 of Title 18, United States Code. The following additional information includes several, but not all, of the ethics rules that apply to members, and assumes that members are not engaged in Public Advisory Committee business more than sixty days during any period of 365 consecutive days.

- Each member will be required to file a confidential financial disclosure form within thirty (30) days of appointment (5 C.F.R. 2634.202(c), 2634.204, 2634.903, and 2634.904(b)).
- Each member will be subject to many of the public integrity laws, including criminal bars against representing a party, 18 U.S.C. 205(c), in a particular matter that came before the member's committee and that involved at least one specific party. *See also* 18 U.S.C. 207 for post-membership bars. A member also must not act on a matter in which the member (or any of certain closely related entities) has a financial interest (18 U.S.C. 208).
- Representation of foreign interests may also raise issues (35 U.S.C. 5(a)(1) and 18 U.S.C. 219).

Meetings of the Patent and Trademark Public Advisory Committees

Meetings of each Advisory Committee will take place at the call of the respective Committee Chair to consider an agenda set by that Chair. Meetings may be conducted in person, electronically through the Internet, or by other appropriate means. The meetings of each Advisory Committee will be open to the public except each Advisory Committee may, by majority vote, meet in confidential executive sessions when considering personnel, privileged, or other confidential matters. Nominees must have the ability to participate in Committee business through the Internet.

Procedures for Submitting Nominations

Submit resumés for nomination for the Patent Public Advisory Committee and the Trademark Public Advisory Committee to: Senior Advisor to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, utilizing the addresses provided above.

Date: April 30, 2012_

David J. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

<FRDOC> [FR Doc. 2012-10737 Filed 5-3-12; 8:45 am]
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